



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,191	12/22/2000	Eiroku Go	505500-56	1331

7590 09/05/2003

William Squire, Esq.
Carella, Byrne, Bain,
Gilfillan, Cecchi, Stewart & Olstein
6 Becker Farm Road
Roseland, NJ 07068-1739

EXAMINER

DAVIS, TEMICA M

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/746,191

Applicant(s)
Go

Examiner
Temica M. Davis

Art Unit
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 22, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2681

DETAILED ACTION

Claim Objections

1. Claims 1, 2 and 7 are objected to because of the following informalities: *In claim 1*, line 3, "the display screen" should read --a display screen--, *in claim 2*, line 1 "wherein" should be deleted, and *in claim 7*, line 1 "steo" should read --step--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 2, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Calvert, U.S.

Patent No. 6,526,275.

Regarding claim 1, Calvert discloses a digital advertising method in a cellular telephone system comprising broadcasting selected advertisements for display on a display screen of a cellular telephone receiver receiving a request call in the system; and displaying the selected

Art Unit: 2681

advertisements on the cellular telephone display screen of the receiver (col. 6, line 66-col. 7, line 30 and col. 10, lines 33-49).

Regarding claim 2, Calvert discloses the digital advertising method according to claim 1 including classifying said advertisements into respective categories among which pre-selected and approved categories advertisements by the receiver are received on said display screen (col. 12, lines 37-52 and col. 16, lines 40-56).

Regarding claim 4, Calvert discloses the digital advertising method according to claim 1 wherein the broadcasting step includes broadcasting advertising data, advertiser's inquiry telephone number, data and web site address in the advertisements for transfer to the receiver (col. 8, lines 41-47).

Regarding claim 5, Calvert discloses the digital advertising method according to claim 4 including storing the transferred contents of advertisements in a memory installed in said receiver cellular telephone (col. 7, lines 12-21).

Regarding claim 6, Calvert discloses the digital advertising method according to claim 5 further including the step of replaying said stored contents of said advertisements on the screen of the cellular telephone by pushing predetermined function keys (col. 7, lines 12-21).

Regarding claim 7, Calvert discloses the digital advertising method according to claim 5 including the step of downloading the contents of the advertisements by a link to a web site and replaying the downloaded contents on the screen of the cellular telephone and a home audio/video device (col. 7, lines 12-21 and col. 8, lines 42-47).

Art Unit: 2681

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calvert and Hymel et al (Hymel), U.S. Patent No. 6,031,467.

Regarding claim 3, Calvert discloses the digital advertising method of claim 2 as described above.

Calvert fails to disclose wherein the classifying step includes classifying emergency information.

Calvert, however, discloses that the products discussed throughout refer to any type of goods or services that may be provided to a user of a communication device (col. 3, lines 14-17).

In a similar field of endeavor, Hymel discloses a method of advertising messages to a selective call receiver. Hymel further discloses wherein these messages include weather and news (col. 1, lines 23-27).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Calvert with Hymel since it is known in the art that news and weather

Art Unit: 2681

alerts are used to inform users of emergency situations in order to increase user safety in emergency situations.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calvert.

Regarding claim 8, Calvert discloses the digital advertising method of claim 2 as described above.

Calvert, however, fails to disclose including the categories from the group consisting essentially of emergencies, sports, shopping and investing.

Calvert, however, discloses that the products discussed throughout refer to any type of goods or services that may be provided to a user of a communication device (col. 3, lines 14-17).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Calvert to include the services of emergencies, sports, shopping and investing since such services are well known in the art to be broadcast to a user of communication device automatically or upon request, based on the subscribed services of the user.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2681

Thompson et al, U.S. Patent No. 6,484,011, discloses a non-telephonic, wireless information presentation device.

Sibbitt, U.S. Patent No. 5,999,088, discloses an information display pager.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on (703) 305-4040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at (703) 306-0377.

Any response to this communication should be mailed to:

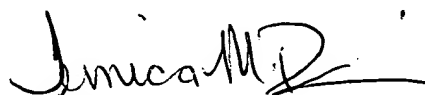
Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703) 872-9314 (for any communications intended for entry).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Temica M. Davis
August 30, 2003


TEMICA M. DAVIS
PATENT EXAMINER